

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

CASE NO. 3:20CR5257

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Brian E. Russ, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a Criminal Complaint for the purpose of establishing probable cause that MICHAEL ZACHARIAS has committed violations of 18 U.S.C. §§ 2422(b), Coercion and Enticement, 1591(a), Sex Trafficking of a Minor, and 1591(a), Sex Trafficking of an Adult by Force, Fraud, or Coercion.
2. Affiant is an “investigative or law enforcement officer” of the United States within the meaning of 18 U.S.C. § 2510(7), and is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in 18 U.S.C. § 2516.
3. I have been a Special Agent with the FBI since 1999. I am currently assigned to the FBI Cleveland Division, Lima Resident Agency. Prior to this, I was assigned to the FBI Albuquerque Division, Las Cruces Resident Agency. I was previously employed as a Police Officer with the Anderson Police Department, Anderson, Indiana from 1994 to 1999. During my tenure as a law enforcement officer I have investigated a wide range of state and federal criminal violations, including those involving violent crime, gang activity, drug trafficking, and crimes against children matters. Since 1994, I have received training and have experience in interviewing and interrogation techniques, arrest procedures, search and seizure, search warrant applications, and various other crimes and investigation techniques.
4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, law enforcement officers, and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

5. On July 21, 2020, an individual herein identified as “Victim #1” (born July 8, 1988 – Age 32) was found to be in possession of fentanyl following an investigation by the FBI. FBI Agents seized Victim #1’s three cellular telephones that were in his possession. Victim #1 gave consent to search them. The devices were forensically examined, and text messages revealed sexual conversations between Victim #1 and a person identified in the cell phone’s contacts as “FrZ.”

6. The telephone number associated with “FrZ” is 567-201-3852. A check of public databases revealed this cellular telephone number to be associated with a Michael Zacharias, a Priest and the Pastor at St. Michael’s Parish in Findlay, Ohio.

7. On July 29, 2020, Victim #1 was contacted by the FBI. Victim #1 revealed that “FrZ” refers to Father Zacharias, a priest, and that Zacharias had molested and raped him as a child.¹ Victim #1 stated that Zacharias paid him in exchange for being able to perform oral sex on Victim #1 when Victim #1 was a minor, and that Zacharias continued to pay him money for sex even after Victim #1 turned 18, including when Victim #1 was drug-addicted and needed the money for his drug habit. Victim #1 stated that they continue to communicate via phone calls and text messages.

8. On August 3, 2020, Victim #1 was interviewed in more detail. Victim #1 said that he first met Zacharias in Catholic school in Toledo when he was in the sixth grade and Zacharias was in the Seminary. With a physically abusive and largely absent father, Victim #1 viewed Zacharias as a father figure. Over the years, and into junior high and high school, Zacharias spent time with Victim #1, came over to his house, gave him money, and showed him affection, including inappropriate touching, as well as inappropriate sexual comments.

9. Affiant is aware that all of this time, attention, and money by Zacharias is consistent with grooming – a process in which the sexual abuser befriends and establishes an emotional connection with a child, and sometimes also family members, to lower the child’s inhibitions with the objective of sexual abuse. This process can occur over many weeks, months, and even years.

¹ It was never reported to law enforcement.

10. Victim #1 believed that after Zacharias was ordained as a Priest, he was transferred to Mansfield, Ohio and then subsequently Van Wert, Ohio, both of which are in the Northern District of Ohio, Western Division. Victim #1 visited Zacharias in both of those cities at Zacharias' residence or rectory.

11. Zacharias' grooming escalated into Zacharias raping Victim #1 by performing oral sex on Victim #1 when Victim #1 was still a minor. Victim #1 advised that he had become addicted to drugs as a teen minor.² As a result, he needed money to support his habit or he would feel the effects of withdrawal. Sometime before turning 17, he communicated with Zacharias via phone and arranged to go to Zacharias' residence to get money for drugs.³ After he arrived, Zacharias begged him into letting him perform oral sex on Victim #1 and subsequently offered him increasing amounts of money, knowing the victim well and knowing that he needed money. After the victim refused \$500 and \$1,000, Zacharias then offered \$1,500 and Victim #1, who was still a minor and in the throes of drug addiction, finally relented. In exchange for \$1,500, Zacharias performed oral sex on Victim #1. Victim #1 advised that he did not want Zacharias to do it and only relented because he needed the money to support his drug habit. Victim #1 stated that Zacharias continued to pay him for sex while he was still a minor, and this continued even after he was an adult, still drug-addicted, and in need of money for drugs to avoid going through the effects of withdrawal. Victim #1 stated that he snorted a crushed up pill in Zacharias' presence on more than one occasion. Victim #1 advised that these multiple occasions of paid oral sex after Victim #1 was an adult also occurred in locations in the Northern District of Ohio, Western Division, usually at Zacharias' rectory in Van Wert and sometimes in one of their vehicles.

12. When Victim #1 was in his mid-20's, Zacharias told him that he wanted to make an "action video" and a "confession video," which Zacharias said would give Victim #1 "power over

² Victim #1 said that part of it developed following an injury and pain medication but part of it also stemmed from his confusion about his sexuality based on years of inappropriate touching by Zacharias, which in turn, created feelings of self-loathing by Victim #1.

³ He initially thought it was at Zacharias' residence in Van Wert, not Mansfield, but subsequently said that he could not be sure. However, he knew it occurred at Zacharias' residence or rectory, and the rectories are both in the Northern District of Ohio, Western Division.

him.” Victim #1 turned over to the FBI a USB thumb drive containing these two videos, which Affiant viewed. The action video, which has a “modified date” of January 3, 2015, is approximately five minutes long and depicts Zacharias performing oral sex on Victim #1. Victim #1 confirmed that he was an adult at the time.⁴ The confession video has a “modified date” of January 7, 2015 and depicts Zacharias in his clergy attire, looking into the camera and stating:

- a. “My name is Michael Zacharias. I first met [Victim #1]⁵ when he was in 6th grade at St. Catherine’s and I was a Seminarian. I knew from the first time I saw him that I wanted to suck his dick. I always loved [Victim #1]. I got to know him over the years. I knew that he was, that his dad was out of the picture, and I started grooming him. I knew someday I wanted to suck his dick. I remember seeing him in the hospital, he had meningitis. I remember it was the two of us alone in the room. And I remember the back of his hospital gown opened up and I saw his ass. I wanted that sweet little ass right then. I remember rubbing his back. I remember thinking, I gotta suck his dick sometime. So I kept going over to his house and I got to know him over the years.”

13. Zacharias moved from Fremont, Ohio to Findlay, Ohio in what is believed to be 2019. Victim #1 advised that he has been in Zacharias’ residence or rectory in Findlay on about six-seven occasions in the last year for paid sex. He described the home as a two-story house with a two-car garage, and Zacharias’ bedroom as having a chair, piano, its own bathroom, and a sword that was displayed. Victim #1 advised that Zacharias lived there with another individual but always ensured that this individual was gone before Victim #1 came over. Victim #1 identified images of Zacharias’ residence/rectory, located at 2008 Greendale Ave., Findlay, Ohio.

14. On August 6, 2020, FBI Special Agent Andrew Eilerman conducted surveillance on 2008 Greendale Avenue and its surrounding areas. He observed a structure being built on St. Michael’s

⁴ Another video can be heard playing in the background, which Victim #1 advised was adult pornography. Victim #1 explained that he has never liked or wanted Zacharias performing oral sex on him; thus, the only way he could get an erection with Zacharias was by watching adult pornography.

⁵ Zacharias refers to Victim #1 by name but Affiant is not identifying it herein.

Parish property near 2008 Greendale Avenue, and saw a male in clergy attire, resembling Zacharias, walk from the structure that was under construction, and while talking on a cell phone, enter the rear door of 2008 Greendale Avenue.

15. Affiant reviewed text messages between Victim #1 and Zacharias on Victim #1's cell phone. In texts from April-July 2020, Zacharias suggests that they make more action videos, and offers to pay Victim #1 (and sometimes give him a credit or debit card with money on it) in exchange for Zacharias performing oral sex on Victim #1. It also appears that Victim #1 sometimes used the videos as a way to obtain money from Zacharias even in the absence of sex. In several of the texts, Zacharias even encouraged Victim #1 to demand the making of more sex and/or confession videos, in what appears to be a way to ensure that Victim #1 will continue to have "power" over Zacharias and a reason to contact him. A sampling of the texts are below.

- a. On May 3, 2020, Victim #1 texted Zacharias that he owed him money and they go back and forth about how much. Victim #1 says "400," and Zacharias replies that "9.5 is the number...and extra for a drink?" Victim #1 told Affiant that "9.5" refers to Victim #1's penis, while "drink" refers to oral sex and Victim #1 ejaculating in Zacharias' mouth. They agree on "400" in cash and discuss meeting the next day. Zacharias texts, "You promise you'll video. Everything, and use it against me." He also asks if Victim #1 wanted a "confession vid" as well. Zacharias subsequently texts, "I used you. I groomed you...Didn't I? How old were you?" Victim #1 responds, "12." Text messages between them on May 4, 2020 indicate that they met near a McDonalds.
- b. On June 4, 2020, Zacharias texts, "9.5... I'll pay whatever it takes." Victim #1 responds, "600." Zacharias texts, "Extra for a drink? How much? That's what I'm really after – as you know... ." Victim #1 replies, "700" and then "1000 cash." Zacharias texts, "I trust we have a deal... ."
- c. On June 7, 2020, Victim #1 and Zacharias text about meeting in a Kroger's parking lot. Zacharias texts that he did not believe Victim #1 still had the videos and that he will pay him \$2,000 and 100 on a credit card if Victim #1 still has the videos. On June 8, 2020 at 1:19 p.m., Zacharias texted Victim #1, "I'm here." At 6:54 p.m.

Zacharias texts Victim #1, “I trust you’re happy now...” and asks whether the videos were deleted. On June 9, 2020, Zacharias texts Victim #1, “I knew you wouldn’t delete it... .”

- d. On July 1, 2020, Zacharias texts, “I really want you to have a new and better video...Can you take it on your phone and save it somewhere? I’ll pay extra for you to do it. Just tell me how much.” Victim #1 replies that he wants both an action and confession video for \$600. Zacharias replies, “As long as you make them, save them, and promise to use them if you need to help yourself sometime... .”
- e. On July 3, 2020, Zacharias and Victim #1 discuss meeting at the church rectory. Zacharias texts Victim #1, “Park in the parking lot and come to the rectory back door.” At 3:55 p.m. Victim #1 texts that he was there. Two days later, on July 5, 2020, Zacharias asks, “So did you erase?” Victim #1 responds, “No.”
- f. On July 20, 2020, Zacharias again texts about the videos, writing “If you really did keep a copy and put them in a safety deposit box in the bank, I would have a whole new respect and admiration for you – knowing you planned all along to hold on to them and keep them safe until you decide to use them for your own benefit some day. It tells me you’re definitely holding onto them to use them...The great thing for you is that I actually paid you to make the videos and that you will one day ruin me with them and get rich. You are such a stud!!” Zacharias later texts that he wants Victim #1 to continue to have leverage over him and that he will pay Victim #1 \$2,000 if Victim #1 can prove that he still has the videos.

16. Zacharias repeatedly warned Victim #1 that if anyone ever found out about their sexual activity, Victim #1 would be splashed across the news, portrayed as a ‘kid with a drug problem,’ and lose his source of income. After his cell phones were seized by the FBI in July 2020, Victim #1 told Zacharias that he had been arrested for selling stolen tools, and Zacharias opined that police likely have Victim #1’s cellphones and have seen their messages. Zacharias advised that ‘it would only take one cop to tell the Bishops’ and he would never be able to give Victim #1 money again, everyone would know Victim #1’s face, and the

Parish would be ruined. As a result, Zacharias told Victim #1 that Victim #1 needed to smash the USB drive and throw it in the trash.

17. On July 21, 2020, an individual herein identified as “Victim #2” (born June 2, 1994 – Age 26)⁶ was interviewed. Victim #2 went to St. Catherine’s Catholic School in Toledo, Ohio from Kindergarten to eighth grade and met Zacharias in first grade while Zacharias was in school to become a Priest. Victim #2 stated that over the years, Zacharias visited his home, took his older brothers on walks, and went to his brothers’ bedrooms. Victim #2 recalled that although Zacharias left Toledo after becoming a Priest, he returned from time to time to visit Victim #2, his mother, and his brothers. Zacharias occasionally communicated with Victim #2 via cell phone and text.

18. Victim #2 recalled that when he was in the eight-ninth grade, Zacharias made inappropriate comments to Victim #2, including about oral sex. During this time, Victim #2 began using opioids and developed an addiction. Victim #2 often talked with Zacharias about his drug problem.

19. Victim #2 stated that when he was in ninth grade, Zacharias contacted Victim #2 via cell phone, said he was in Toledo, and wanted to visit. Victim #2 was home sick from school because he was “dope sick” (i.e. experiencing withdrawal from not using drugs). Victim #2 was the only one at the house when Zacharias arrived. Zacharias told Victim #2 that he would pay him \$50 for an “oxy” pill if Victim #2 let him “suck on his penis.” Victim #2 did not want to do it. Zacharias put his hand on Victim #2’s leg and thigh, and told him to think about it. Knowing that the \$50 would enable him to buy an Oxycontin pill that would make him feel better, Victim #2 gave in. Zacharias pulled down Victim #2’s shorts and performed oral sex on Victim #2. Victim #2 ejaculated in Zacharias’ mouth, and Zacharias commented that it “tastes good.” Zacharias paid Victim #2 \$50, which Victim #2 used to buy an Oxycontin pill. Zacharias told Victim #2 that no one could know about this because Zacharias would get in a lot of trouble.

20. Zacharias subsequently went to Victim #2’s Toledo home several times in an effort to perform oral sex on Victim #2. Zacharias told him that he wanted to ‘get on his knees,’ that Victim #2 deserved to get paid for it, and talked about how “big” Victim #2 was, referring to his penis.

⁶ Affiant does not identify Victim #2 by name in order to protect his identity herein.

Zacharias asked Victim #2 if he had recorded them, and inquired as to whether or not anyone was at home with him. Zacharias gave Victim #2 money when he visited.

21. Victim #2 recalled another time when Zacharias performed oral sex on him. Victim #2 was about sixteen years old and still lived in Toledo. Zacharias texted him via cell phone to say he was in town and was coming over. After arriving, Zacharias said that he wanted to go to an upstairs bedroom. Zacharias pulled Victim #2's shorts down, performed oral sex on him, and Victim #2 ejaculated in Zacharias' mouth. Zacharias paid Victim #2 for the sex act.

22. Victim #2 recalled yet another time when Zacharias performed oral sex on him. Victim #2 was eighteen years old and still suffered from a drug addiction. Zacharias texted Victim #2 via cell phone that he was in Toledo and later arrived at Victim #2's home. Zacharias asked about Victim #2's girlfriends and sex life, and complimented Victim #2's penis. Zacharias asked if Victim #2 was still using drugs, which Victim #2 affirmed. Knowing that Victim #2 was still drug-addicted, Zacharias paid Victim #2 to perform oral sex on Victim #2. Victim #2 recalled that Zacharias initially wanted to do it in front of a window but instead took Victim #2 to a bedroom. Victim #2 ejaculated in Zacharias' mouth, Zacharias swallowed the ejaculation, and Zacharias then put a mint in his mouth. Zacharias again warned Victim #2 not to tell anyone or he could get in trouble.

23. Victim #2 advised that he was too scared to report what Zacharias did to him, because he felt like no one would believe him – a young troubled drug-addict, whether as a minor or adult – over Zacharias, a respected Catholic Priest.

24. Affiant learned that the church in Findlay where Zacharias works as a Priest, St. Michael the Archangel Parish, also has a preschool and kindergarten through 8th grade. Affiant is not aware of what Zacharias' role, if any, is at that school; however, Affiant located a video posted on the church's website June 13, 2020, in which Zacharias appears to be standing in the school itself and introduces four new sisters who will be teaching at the school "in the fall."

25. On August 7, 2020, a Federal Grand Jury Subpoena was issued to Apple Inc., for previously preserved subscriber information. Apple Inc. confirmed that information for an account identified as Michael Zacharias, 567-201-3852, fathermikez@yahoo.com, had been preserved. On August

12, 2020, Apple Inc. provided subscriber information for the account. The Apple iCloud, ID number 8091323777, is subscribed to Michael Zacharias, at telephone number 567-201-3852, and 750 Bright Road, Findlay, Ohio 45840, which is the address of the St. Michael church.

CONCLUSION

26. Based on the foregoing, there is probable cause to believe that MICHAEL ZACHARIAS has violated 18 U.S.C. §§ 2422(b) Coercion and Enticement of a Minor, 1591(a) Sex Trafficking of a Minor, and 1591(a) Sex Trafficking of an Adult by Force, Fraud, or Coercion.

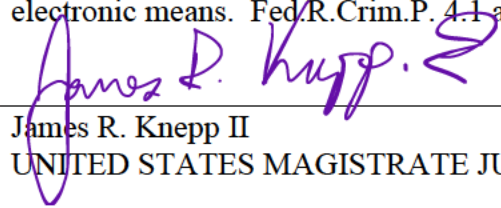
27. Affiant respectfully requests that the Court issue an arrest warrant for Michael Zacharias.

Respectfully submitted,



Special Agent Brian E. Russ
Federal Bureau of Investigation

Sworn to via telephone on this 17th day
of August 2020 after submission by reliable
electronic means. Fed.R.Crim.P. 4.1 and 41(d)(3).



James R. Knepp II
UNITED STATES MAGISTRATE JUDGE